

under 35 U.S.C. §103(a) as being unpatentable over Thieme in view of U.S. Patent No. 5,087,556 to Ertinghausen. These rejections are respectfully traversed.

The Office Action asserts that Thieme teaches a device for collecting saliva with features that allegedly can be considered to correspond to the combination of all of the features recited in independent claim 1. The Office Action further asserts that Thieme and Ertinghausen, in combination, would have rendered obvious the combination of all of the features recited in independent claim 3. The analysis of the Office Action fails for at least the following reasons.

The applied references do not teach, nor can they reasonably be considered to have suggested, a reaction module, as recited in claims 1 and 3. Thieme teaches a saliva assay method and device (Abstract). Thieme teaches a sample collection device 10 in a vial 20 with a pad 12 submerged in the substrate solution 22 before analyzing a substrate localizing a reaction region downstream from the absorbent pad (col. 6, lines 61-65; col. 8, lines 15-25). Ertinghausen teaches a chromatic quantitative analyzer for detecting an analyte in a biological fluid (Abstract). Ertinghausen further teaches a base having a first open reservoir for receiving the biological fluid and a means for separating solids from the biological fluid and a channel which draws by capillary action the fluid from the first open reservoir to the second open reservoir (Abstract). Neither Thieme nor Ertinghausen, however, disclose a reaction module. As discussed above, Applicants disclose on, for example, on page 3, the definition of reaction module. Applicants disclose that a reaction module is understood to mean a device capable of being inserted into an automated device for biological assays in order to carry out a biological reaction. Neither Thieme nor Ertinghausen disclose a device that is inserted in an automated device. In interpreting the claimed features, the Patent Office is required to apply specific definitions provided in the specification. Based on the definition provided by Applicants, one of ordinary skill in the art would clearly recognize that the

claimed reaction module is one that is capable of being inserted into an automated device for biological assays. In this regard, neither Thieme nor Ertinghausen disclose such features. The Thieme and Ertinghausen devices are manual and not disclosed as capable of being inserted into an automated device. As such, it is unreasonable to assert that the applied references teach, or would have rendered obvious, the combinations of features recited in independent claims 1 and 3.

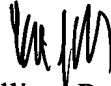
For at least the foregoing reasons, the applied references cannot reasonably be considered to teach, or to have suggested, the combinations of features recited in independent claims 1 and 3. Additionally, claim 2 is also not taught, nor would it have been reasonably suggested, by the applied references for at least the dependence of this claim on an allowable base claim, as well as for the separately patentable subject matter that each of this claims recites.

Accordingly, reconsideration and withdrawal of the rejections of claims 1-3 under 35 U.S.C. §§102(b) and 103(a) as being anticipated by, or unpatentable over, the applied references, are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



William P. Berridge
Registration No. 30,024

Christopher J. Wheeler
Registration No. 60,738

WPB:CJW/cxc

Date: June 13, 2008

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--